

The following message from his Excellency the Governor was taken up and read :

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, May 26, 1873. }

Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: I return to the House of Representatives, where it originated, the act entitled "An act concerning landlords and tenants."

I am sure that the pressure and burden of legislation has caused the House to overlook the legal effect of this act, and the oppression it will work towards that large class of the community that would be affected by it under the head of tenantry. The constitutional provision, article twelve, section fifteen, and the laws passed in pursuance thereof, providing for the exemption from forced sale of certain property of debtors, was certainly intended as much for the benefit of tenants as of landlords. It is a good enactment, and stands as a shield to protect the poor against the exactions of the rich, but this act does away with its effect entirely as regards the tenant class, or rather the class of our population, white or black, which owns

no real estate, and have to rent land for agriculture, or houses for shelter.

If this act becomes a law, that class can keep nothing sacred against the rapacity of the landlord. The tenant's supply of daily food for his family and himself, his furniture and bedding, his tools of trade, the very clothes on his back, all belong to the landlord. The latter cannot have more from his tenant unless it be the figurative pound of flesh. That I do not exaggerate the effect in this respect of the statute will be apparent from a careful reading of section first. It is there provided that the landlord shall have a preference lien upon *all the "property of the tenant;"* that this lien shall not be limited to the amount of rent which may be due for the premises, but shall apply to the full extent of any money or supplies which the landlord may advance the tenant. And it is expressly declared that this lien "shall be superior to," and "excepted out of any exemptions provided by law as to forced sales." I quote the words of the statute.

It is impossible, I think, to use stronger terms as against the tenant, or to have left him more completely at the mercy of the landlord. As the landlord has a lien on all the tenant's property, not only for his rent due, but also for any advances that he may make him, it is to his interest to encourage the tenant to involve himself. After that is effectually done, the tenant can only escape from his clutches with his skin.

I need go no further in the analyzation of this act, as I feel confident that these and other oppressive features thereof were not distinctly presented to the scrutiny of the Houses on its passage.

I ask its reconsideration.

Very respectfully,

EDMUND J. DAVIS, Governor.